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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,609	03/03/2004	Jonathan Peeri		2697
7590	12/14/2005			
Mr. Jonathan Peeri 7050 Middlesbury Ridge Circle West Hills, CA 91307			EXAMINER	
			HASAN, MOHAMMED A	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/791,609	PEERI, JONATHAN	
	Examiner	Art Unit	
	Mohammed Hasan	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 October 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 10 - 20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 10 - 20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 March 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/12/2005 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 17, 18, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which applicant regards as the invention.

Regarding claims 13 and 19 the word "may" renders the claims indefinite because it is unclear whether the limitations following the word are part of the claim invention. See MPEP 2173.05(d).

Regarding claims 17 and 18 the phrase “ can be “ render the claims indefinite because it is unclear whether the limitations following the phrase are part of the claim invention. See MPEP 2173.05(d).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10 – 20 are rejected under 35 U.S.C 102 (e) as being anticipated by Kurematsu (6,650,460 B2).

Regarding claim 10, Kurematsu discloses (refer to figures 1 and 2) a method of enhancing visibility at various light conditions (i.e., 1R, 1G, 1B) comprising steps like: focusing the desired object or view (source image) on a light modulating device (AMA 3); modulating the light of the focused image (object) by a system like a Light Control Panel (LCP) (4), such that desired image elements can have different intensities thus generating an enhanced image; and projecting the enhanced image with the magnification (column 4, lines 19 – 27, lines 66 – 67, column 5, lines 1 – 5).

Regarding claim 11, Kurematsu discloses, optics may comprise an optical array based on any optical technology as optical film array (AMA 3) (column 5, line 7).

Regarding claim 12, Kurematsu discloses, wherein the light control panel (LCP) based is comprised pixilated elements, wherein each pixel of the light control panel is controlled by an embedded light sensitive element (LSE) (column 6, lines 30 – 39).

Regarding claim 13, Kurematsu discloses, wherein each pixel have any of the following properties as reflective (as shown in figure 2).

Regarding claim 14, Kurematsu discloses, optics may comprise an optical array based on any of the following technologies an optical film array (AMA 3) (column 5, line 7).

Regarding claim 15, Kurematsu discloses, where the observed scenery is collimated and manipulated such that the enhanced image appears to be originated from the observed scenery (as shown in figure 2).

Regarding claim 16, Kurematsu discloses, where the same device used for focusing the desired object can be used for projecting and collimating enhanced image (as shown in figure 2).

Regarding claim 17, Kurematsu discloses, whereby the Light Controlled Panel is inserted in the light path of an optical system at a location where an image or a sub-image is created, such that the observed image enhanced (column 5, lines 44 – 46).

Regarding claim 18, Kurematsu discloses, a Light Control Panel (LCP) comprising a light control substance, pixel electrodes, light sensitive elements embedded in the light control substance or pixels and associated pixel control

mechanism, whereby pixel control mechanism controls the pixilated light control substance according to the intensity of the light hitting its associated pixel, whereby the light control substance and light sensitive elements used at any frequency band in the spectrum (column 6, lines 10 - 47).

Regarding claim 19, Kurematsu discloses, wherein the light control panel (LCP) have the following properties reflective (column 6, lines 30 – 39).

Regarding claim 20, Kurematsu discloses, where the controlled mechanism can control of the light processing of the entire Light Controlled (column 6, lines 10 – 47).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MH  
November 30, 2005



RICKY L. MACK  
PRIMARY EXAMINER